

United States District Court

United States District Court
Southern District of Texas
FILED

MAR 30 2007

SOUTHERN

DISTRICT OF

TEXAS

Michael N. Milby, Clerk of Court

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

SALAZAR, Adalberto Jr.

CASE NUMBER: C-07- 187M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or 03-29-2007 in Brooks County, in the Southern District of Texas defendant(s) did, (Track Statutory Language of Offense)

Knowingly, intentionally and unlawfully possess with intent to distribute a controlled substance in Schedule I of the Controlled Substance Act of 1970, to wit: Approximately 318.18 kilograms of marijuana (gross weight).

in violation of Title 21 United States Code, 841 (a) (1)

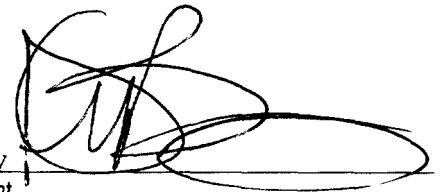
I further state that I am a(n) Task Force Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHMENT "A"

Continued on the attached sheet and made a part

☒ Yes ☐ No

TFO W.G. Bussey
Signature of Complainant

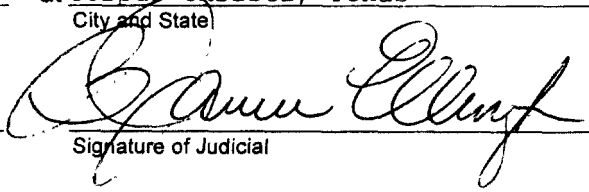


Sworn to before me, and subscribed in my presence,

March 30, 2007
Date

at Corpus Christi, Texas
City and State

B. Janice Ellington, U. S. Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial

ATTACHMENT "A"

SALAZAR, Adalberto Jr.

On 03-29-2007, Border Patrol Agent (BPA) Oscar De La Garza was working the primary immigration inspection lane at the Falfurrias, Texas, Border Patrol Checkpoint (BPCP). Also assisting at the primary lane was BPA Abel Galvan with his service canine "Remco". At approximately 5:35 a.m. a white 2006 Kenworth tractor (blue), towing a 2004 Wabash trailer (white), arrived at the primary inspection point. BPA De La Garza made contact and conducted an immigration interview with the tractor driver, Adalberto SALAZAR Jr. During an immigration interview SALAZAR identified himself as a United States citizen. During the immigration inspection, BPA Galvan and his service canine conducted a non-intrusive free air sniff of the exterior of both tractor truck and trailer. BPA Galvan advised BPA De La Garza that his service canine Remco had alerted to an odor emanating from the drain hole of the front section of the trailer. Salazar told BPA De La Garza that he (Salazar) picked up the loaded and sealed trailer. BPA De La Garza noticed that during the interview SALAZAR was rapidly chewing the gum in his mouth. SALAZAR also was watching BPA Galvan and the canine through the trailer side view mirror. SALAZAR told BPA De La Garza that he picked up the trailer in Brownsville, Texas on 03-28-07 at eight. BPA De La Garza was given verbal consent for a secondary search of the vehicles by SALAZAR. SALAZAR was directed to the secondary inspection area.

BPA Jose Trevino had SALAZAR exit the tractor in order to allow BPA Galvan to conduct a secondary canine inspection of the vehicles. BPA Galvan observed that SALAZAR was chewing his gum very fast. BPA Galvan also noticed SALAZAR kept his hands inside his pockets. The agent also observed SALAZAR hands were shaking as he opened the rear trailer doors. BPA Galvan stated that he observed one (1) seal and a lock on the rear trailer doors prior to SALAZAR opening the doors. BPA Trevino observed SALAZAR drop the lock and two (2) seals on the ground as he opened the trailers doors. One of the seals dropped to the ground matched the number of the seal on the bill of lading, while the other seal dropped to the ground was similar in color but did not match the bill of lading number seal. NOTE: Additional red plastic seals similar to the seal dropped to the ground where discovered on the floorboard next to the driver's seat inside of SALAZAR'S tractor truck.

BPA Galvan and canine Remco entered the trailer. Canine Remco immediately ran to a pallet located at the rear of the trailer and alerted to a box found concealed in plastic wrap. Closer inspection of the box secreted in the cargo (Air Dams) resulted in the discovery of cellophane wrapped bundles containing marijuana. Adalberto SALAZAR was taken into custody and escorted inside the Border Patrol Checkpoint by BPA Trevino. BPA'S removed seventy-two (72) bundles each containing marijuana having an approximate gross weight of 318.18 kilograms.

BPA Jeremy Cheney advised SALAZAR of his rights pursuant to the Miranda decision. SALAZAR acknowledged understanding the rights and agreed to answer

questions by BPA De La Garza. SALAZAR did not admit to knowledge of the marijuana concealed in the trailer. When asked what time SALAZAR picked up the trailer SALAZAR changed the time given at the primary inspection point from eight o'clock to two o'clock. SALAZAR told BPA De La Garza that he SALAZAR did not say eight o'clock. Border crossing checks revealed that the trailer crossed the bridge in Brownsville, Texas on 3-28-07 at 1:23 p.m. Agents terminated the interview and placed SALAZAR in a holding cell pending DEA processing.

On 3-29-07, TFO Willie Bussey and S/A Tara Downs responded for DEA to the checkpoint. TFO Bussey took custody of evidence and defendant in this case. TFO Bussey advised SALAZAR of his rights pursuant to the Miranda decision. SALAZAR refused to answer questions without an attorney present, therefore only biographical data was obtained from SALAZAR.

SALAZAR was transported to Brooks County Detention Center in Falfurrias, Texas for overnight detention.

AUSA Ken Cusick was contacted and approved prosecution of Adalberto SALAZAR Jr.

The amount of marijuana seized infers an intent to distribute.